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NANL-01-0119

Dockets Management System  
U. S. Department of Transportation  
Room PL 401  
400 Seventh Street, SW  
Washington D C 20590-0001

Reference: Request for Comments on Proposed Rule, "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage," Docket Number RSPA-98-4952 (HM-223)(66FR32420)

Subject: Detroit Edison Comments on the Department of Transportation Proposed Rule on Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage

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Detroit Edison, operator of the Fermi 2 Nuclear Power Plant, wishes to comment on your proposed rule, "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage," (49 CFR Parts 171,173,174,175,176,177, and 178) as published in the Federal Register on June 14, 2001. The comments due date was extended from October 12, 2001 to November 30, 2001 in Federal Register (66FR40174) on August 2, 2001.

Detroit Edison enthusiastically supports the intent of this rulemaking, since it clarifies the scope of activities that are regulated by the Hazardous Materials Regulations. This will prevent confusion and potential violations resulting from misunderstandings. We especially support the removal, from the scope of these regulations, of unloading activities by the consignee.

Detroit Edison is concerned about one new requirement in this proposed rulemaking. A proposed requirement in 49 CFR 171.2(g) states that: "...Except as provided in section 178.2 of this subchapter, a packaging or container marked as meeting a DOT specification or UN standard must conform to the specification or standard at all times that the marking is visible. The requirements of this paragraph apply whether or not the packaging or container is used or to be used for the transportation of a hazardous material." This will impose a significant burden on us, since Detroit Edison purchases

many containers, such as steel drums, which arrive with DOT or UN specification markings, but are used for purposes other than the transport of hazardous materials. Since DOT or UN specification markings are permanently affixed to such containers, and cannot be easily removed or covered, this requirement would require considerable effort to establish a separate supply chain for such containers, as well as controls to assure that containers marked for hazardous material transport are segregated from other containers. Furthermore, such costs would provide little, if any improvement in hazardous material transport safety, since we routinely inspect containers for suitability prior to filling with hazardous materials. We are thus assured, without the new requirement of section 171.2(g), that the containers used for hazardous material transport meet all applicable requirements. Detroit Edison proposes that this suitability requirement be limited to containers that are filled with hazardous material. To prevent the inadvertent transport of hazardous material in unsuitable containers, the rule should apply to all marked containers filled with hazardous materials, whether or not they are intended for transport.

Detroit Edison appreciates the opportunity to provide these comments and looks forward to continuing participation in this rulemaking. Should you have any questions or require additional information, please contact me at (734)586-4258.

Sincerely,

Norman K. Peterson /s/  
Manager – Nuclear Licensing

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